

King County Community and Human Services

Office of the Public Defender (OPD) - Summary Dashboard Report

Data through September 2010

Other Important 2010 Metrics		
	3Q10	Q1-Q3 to date
# of cases assigned	6,636	19,754
# of clients assigned	6,052	17,953
# of clients screened	2,986	8,726
# of promissory notes issued	2,409	6,623
Amount of promissory notes issued	\$ 233,884	\$ 704,479
# of expert requests received	617	1,874
% of expert requests approved by OPD	88%	90%

Other Notable Items 3Q- 2010

Late 2008, Council amended King County code to change the contract period for public defense services from Jan-Dec to July - June. Contracts under the revised code were signed 7/1/09. These contracts were amended December 2009 to reflect caseload changes, COLA and estimated attorney salary parity for 2010. Further amendments executed in 2010 to reflect the attorney salary "true up". Similar amendments will be necessary for 2nd half of 2010-11 contracts due to programmatic changes in Contempt of Court cases, caseload changes in certain case areas, and attorney salary parity "true up". A similar "true up" will occur in January 2011.

On June 1, 2009 Council approved Ordinance 16542, which includes a requirement that OPD conduct a study of the county's public defense case weighting methodology in paying for public defense services. Data collection under the study began in November 2009 and concluded February 16, 2010. Final report was submitted on April 30, 2010 and accepted by Case Weighting Steering Committee. OPD working with Executive Staff and Budget Office Staff on implementation plan and overall analysis of cost.

OPD continues to offer free Continuing Legal Education classes that have been very well received by assigned counsel and agency attorneys. Recent trainings include:

* Persuasive Legal Writing presented by Professor Connie Krontz of the Seattle University School of Law Legal Writing Program

* Padilla and Immigration Issues presented by Ann Benson, Director of the Immigration Project, Washington Defender Association

* Forensics Roundup: Fingerprint Challenges, Sedatives, DNA and Crime Scenes presented by national and local forensic experts, Dr. Robert Julien, Attorney Mark Prothero, Mr. Michael Cherry, Professor Simon Cole, Dr. Donald Riley, and Dr. Ray Grimsbo. Critical forensics review, in light of 2009 National Academy of Science report calling into question many aspects of scientific evidence.

KCC approved the 2010-2011 Public Defense contracts by Ordinance 16816, passed April 26, 2010.

Pending Aggravated Murder cases include: M. Anderson, J. McEnroe, I. Kalebu, C. Monfort, and T. Hicks. Schierman recently concluded and N. Haq concluded in January 2010 and L. Carneh concluded in late 2009. A case is under investigation from Northgate that involved a double homicide and reportedly has three potential defendants. No one is charged or in custody on this case at this time.

2010 Business Plan Performance Measures									
	Status	Hist Avg	09 Target	09 Actual	10 Target *	Jul-Sep 10**	Jan-Jun 10**	Bench mark	
Variance in Felony Caseload	▲	1.3%	≤ 0%	-2.2%	≤ 0%	0.8%	1.1%		
Variance in Misdemeanor Caseload	▼	1.6%	≤ 0%	0.0%	≤ 0%	38.4%	19.6%		
Variance in Juvenile Caseload	▲	-5.3%	≤ 0%	0.0%	≤ 0%	0.00	0.0%		
Variance in Dependency Caseload	▲	2.8%	≤ 0%	0.0%	≤ 0%	0.0%	0.0%		
Average days to in custody felony assignment (YTD)	▲	0.82	≤ 1 day	0.81	≤ 1 day	0.86			
Average days to out of custody felony assignment (YTD) (SEE NOTE BELOW)	◆	3.96	≤ 5 days	4.52	≤ 5 days	5.53			
% of cases where defendant is contacted by agency within 1 day (IC = In Custody) or 5 days (OC = Out of Custody)	--	68% IC 88% OC	100.0%	69% IC 92% OC	100.0%	annual site visit			
Number of complaints received and % determined to be valid (YTD)	▲	94 / 3%	100 / 0%	98 / 3%	100 / 0%	65 / 0%	-- / 10%		

* Annual Target contract variance reflects off-set contract running 7/1/09-6/30/10.

** Variance rates for 1st & 2nd half 2010 shown separately to reflect changes as a result of new contract year starting 7/1/09.

Other Performance Measures

Variance in COC Caseload	◆	1.5%	≤ 0%	7.2%	≤ 0%	-2.2%	0.0%		
Variance in ITA Caseload	▼	8.5%	≤ 0%	4.3%	≤ 0%	24.1%	18.2%		
Variance in Becca Caseload	◆	28.5%	≤ 0%	-52.0%	≤ 0%	2.0%			

Division Director's Message

Contract Case Credits: Overall, serious felonies including violent felonies and sex-related felonies are up. This is somewhat offset by the shift of lesser felony cases to expedited felonies, with a resultant reduction of felony cases overall. Felony caseload projections for 2011 contracts have taken these trends into account.

Contract Case Credits: Misdemeanor credits in 1st half 2010 excluded expedited felony cases, which were included in 1st quarter 2009 data. Change to Expedited Felony calendar counting started in 7/1/2009 contract. The 2010 budget for misd. cases was set at a level too low to account for anticipated need. July 1, 2010 contract to datenumbers reflect this difference between budget and caseload.

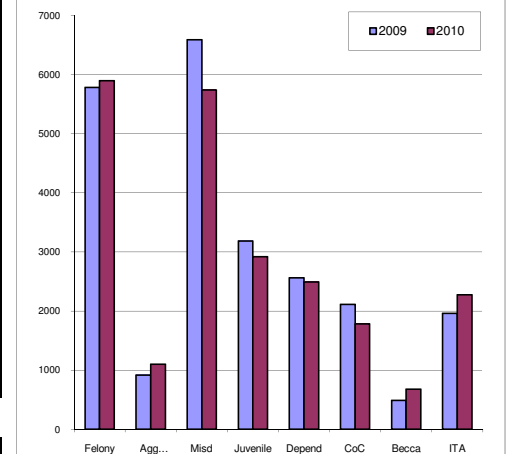
Per Ordinance 16542, a new contract for public defense services went into effect July 1, 2009, requiring interim case weighting for certain cases. The interim system provides 10 credits upon assignment for homicide cases and 5 credits upon assignment for cases charged with the enhancer 'with sexual motivation' and subject to indeterminate life sentences. If these homicide or sex offense cases exceed 220 hours of attorney time, agencies may request three additional credits for every 50 attorney hours over 200 attorney hours. All other felonies may receive 3 credits for every 50 hours beyond the initial 12.1 hours. This was continued for 2010 by Ordinance 16717. The submission of "hourly rate" billings has steadily increased over the past six months, with all contract agencies submitting requests. It is anticipated this trend will continue, increasing the number of felony credits and providing increasing caseload and workload to felony attorneys handling serious felony cases.

The Court of Appeals decided Bellevue School District vs. E.S. which could increase attorney assignments and defense costs in truancy cases. The decision requires that public defense attorneys be provided to all juveniles charged with truancy under the Becca Bill from the date of filing, as opposed to when the case reached the point of Contempt of Court (which brings with it the possibility of juvenile detention.) This new requirement could result in a significant increase in case assignments. The case is on appeal to the WA Supreme Court. A decision was anticipated; however, no decision has been issued to date. . Current Court procedures are restricting the number of truancy cases for appointment pending the outcome of this case. Truancy orders for appointment increased in 1st & 2nd Qtr 2010. OPD continues to monitor and assess this development with Juvenile Court. Overall, 2010 Becca through 3rd Qtr is 2% over variance.

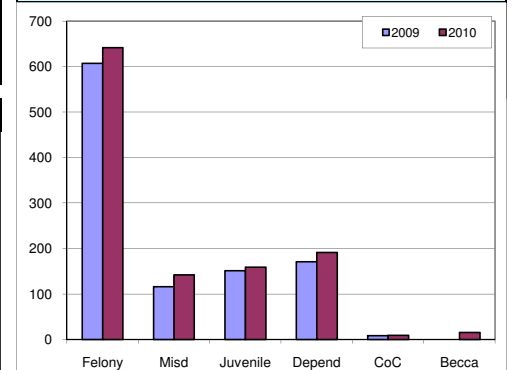
Washington State Patrol added new WSP troopers as of 7/1/10, for increased DUI patrols; likely increase DUI cases in the county by 1,200 per year. OPD could receive at least half of those. Average percentage of DUI's appointed is about 60 to 75% of DUI's filed. Recent report from the WSP indicates increase in filings consistent with OPD estimates.

Process changes in Early Assignments connected to receipt of Assignments via Electronic Filing require review of OPD database programming and queries to properly account for circumstances such as client failure to appear for screening and for court, and for defendants who are initially in custody but are released prior to assignment.

Contracts - Case Credits 1Q09 - 3Q09 compared to 1Q10 - 3Q10



Assigned Counsel - Case Assignments* 1Q09 - 3Q09 compared to 1Q10 - 3Q10



Improving/Target Achievable = ▲
Unfavorable trend/Target not attainable = ▼
Watch/Target at risk = ◆

Key Definitions:

Becca: Juveniles charged under the Becca Bill

CoC: Contempt of Court hearings

Depend/Dependency: Child dependency hearings on parental rights

ITA: Involuntary Treatment Act

Misd: Misdemeanor

OPD: Office of the Public Defender